



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

**NOV 2 2004**

DOT-E 8939  
(SIXTH REVISION)

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 § 107.109)

1. GRANTEE: Hollice Clark Truck Fabrication, Inc. (HCTFI)  
Odessa, Texas
2. PURPOSE AND LIMITATIONS:
  - a. This exemption authorizes the manufacture, marking and sale of six (6) non-DOT Specification portable tanks manifolded together within a frame and securely mounted on a truck chassis for the transportation in commerce of flammable liquids and corrosives liquids described in paragraph 6 below. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.242 in that a non-DOT specification packaging is not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Hollice Clark Truck Fabrication, Inc. dated October 5, 2003, submitted in accordance with § 107.109 and an additional letter dated July 27, 2004 submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description - - proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Corrosive liquids, n.o.s. (Which are corrosive to skin only and are compatible with the tank and its appurtenances)	8	UN1760	II III
Flammable liquid, corrosive, n.o.s.	3, 8	UN2924	II or III, as appro- priate
Flammable liquid, toxic, n.o.s.	3, 6.1	UN1992	II
Flammable liquids, n.o.s (having vapor pressure less than 16 psig at 1301/4F)	3	UN1993	II III

7. SAFETY CONTROL MEASURES:

a. Packaging prescribed is a group of six (6), sixty (60) gallon capacity, non-DOT specification portable tanks manifolded together within a frame, having top and bottom openings, designed and constructed in accordance with HCTFI's drawing, Chemical Tanks and Full Flow Vent, dated October 1, 1982, on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA), and in compliance with the following:

(1) The tank must comply with DOT Specification 57 in all respects except for specification marking, water capacity and that the use of sight glasses is authorized. Each sight glass must have shut off valves, top and bottom and be provided with adequate protection to prevent accidental breakage.

(2) Material authorized must be in conformance with that specified on HCTFI's drawing or as prescribed in § 178.251-2(d)(2) for stainless steel.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

f. A test report documenting a satisfactory prototype test for this tank design must be on file with the OHMEA prior to the first shipment.

g. Hydrostatic test certificates for each tank must be maintained by the manufacturer or owner and made available upon request to any representative of the Department of Transportation.

h. Each tank must be filled so as not to be liquid full at less than or equal to 130°F.

i. Sight glass shut off valves must be secured during transportation.

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j. Tanks are only authorized when manifolded together in a group of six within a frame.

k. Marking and placarding requirements specified for cargo tanks in 49 CFR Part 172, Subpart D and Subpart F, must be met. Also each manifolded unit must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 8939".

l. Each tank must be (i) visually inspected prior to each trip to ensure that it has not been damaged on the previous trip; and (ii) reinspected and retested once every two years in accordance with § 173.32(e) as prescribed for DOT Specification 57 portable tanks at a minimum pressure of 10 psig.

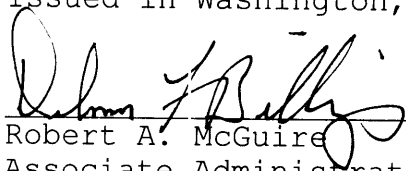
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
  - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
  - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.

*for*   
Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.  
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM